

REMARKS

In response to the above-identified Office Action, Applicant has amended the application and respectfully request reconsideration thereof. In this response, current claims 1-39 have been cancelled and new claims 40-75 have been added. Applicant respectfully submits that the cancellation of claims 1-39 is not done to overcome the rejections of these claims by the Examiner but rather to expedite the prosecution of the present application and to emphasize and concisely claim the various features of the present invention in the new claims 40-75.

Claims Rejections under 35 U.S.C. §103

Claims 1, 3-7, 19-22, 24, 25, 27-31, 33, 34, and 37-39 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,351,651 to Hamabe et al. (hereinafter referred to as Hamabe) in view of U.S. Patent No. 6,337,984 to Hong et al. (hereinafter referred to as Hong).

In this response, current claims 1-39 have been cancelled and new claims 40-75 have been added. Applicant respectfully submits that the cancellation of claims 1-39 is not done to overcome the rejections of these claims by the Examiner but rather to expedite the prosecution of the present application and to emphasize and concisely claim the various features of the present invention in the new claims 40-75.

With respect to the new claims 40-75, Applicant respectfully submits that these new claims are neither anticipated nor rendered obvious by Hamabe and/or Hong, either alone or in combination, for the reasons and explanations provided below.

To anticipate a claim, the prior art reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants' disclosure". In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicant respectfully submits that new claims 40-75 are neither anticipated nor rendered obvious by Hamabe and/or Hong, for the reasons and explanations set out below.

With respect to the new claim 40, Applicant respectfully submits that Hamabe and Hong do not teach or suggest all the limitations/elements of claim 40. In particular, Inoue and Wright do not teach, disclose, or suggest the following element of claim 40:

"selectively performing a handoff to the first base station based, at least in part, on whether signals transmitted by the subscriber station are received by the first base station with sufficient energy according to the reverse link power control commands received from the first base station"

Hamabe discloses a method of controlling transmission power in a cellular communication system in which, upon reception of a control command for a transmission power from a mobile station, each base station increases or decreases the transmission power in response to the control command and renews the transmission power so that the transmission power after increased or decreased approaches a predetermined reference power (Hamabe, Abstract, Col. 6, line 50 – Col. 7, line 6). Specifically, Hamabe discloses that while the mobile station establishes the channel with one or more base stations, each base station increases or decreases the transmission power in response to the control command received from the mobile station and renews the transmission power so that a difference ($P_a - C$) between the transmission power of the base station after increased or decreased and a predetermined transmission power C is r times as large as a difference ($P_b - C$) between the transmission power P_b before renewed and the predetermined reference power C (Hamabe, Col. 6, line 50 – Col. 7, line 6). In addition, Hamabe discloses that the first and second base stations 21A and 22A act as the main and the auxiliary base

stations, respectively, for the first mobile station 61A and that the first and second base stations 21A and 22A transmit, to the first mobile station 61A, the first main downward channel signal 41a and the first auxiliary down channel signal 41b (Hamabe, Figure 7, Col. 20, line 63 – Col. 21, line 6). The first main downward channel signal 41a and the first auxiliary downward channel signal 41b are received by the mobile station 61A, combined and measured to obtain a measured mobile SIR value which is then compared with a target SIR value to generate a corresponding forward control command indicative of increment (or decrement) of the forward transmission power (Hamabe, Col. 21, lines 6-32). However, Hamabe does not disclose or suggest any method or mechanism for performing handoff as claimed in the new claim 40. Specifically, Applicant is unable to find any disclosure, suggestion, or motivation by Hamabe for selectively performing a handoff to a selected base station based, at least in part, on whether signals transmitted by a subscriber station are received by the selected base station with sufficient energy according to the reverse link power control commands received from the selected base station, which is one of the elements claimed in the above-recited claim 40. As discussed above, Hamabe's disclosure is directed to controlling the forward transmission power from the first base station and the second base station by combining the downward channel signals received at the mobile station, measuring the SIR of the combined received signals, comparing the measured SIR value with a target SIR value, and generating corresponding control commands to the first and second base stations to increase or decrease forward transmission power. However, Hamabe does not disclose or suggest in anyway that the mobile station as described in Hamabe performs any handoff to either the first or the second base station based on whether signals transmitted from the mobile station are received by the first or second base station with sufficient energy, as indicated by reverse link power control commands received by the mobile station from the first or second base station.

Hong discloses a method in which the pilot strength of a base station and the frame quality of a forward link are measured by a mobile station. The mobile station compares the measured pilot strength with a threshold value for the pilot strength of the base station to which a new communication path is supposed to be added (Hong,

Abstract, Col. 3, line 60 – Col. 4, line 7). Specifically, Hong states that the mobile station checks whether the measured pilot strength is higher than the parameter T_ADD which is a threshold value to the pilot strength of a base station to add a new communication path. In addition, the mobile station checks whether the frame quality of the forward link is good based on the preset parameter T_QUALITY. It is also checked whether the measured pilot strength is higher than the strength of the pilot in the active set that has T_PRANKth strength among active pilots (Hong, Col. 3, line 60 – Col. 4, line 7). According to Hong, the mobile station then sends the handoff control system the PSMM in order to establish a new communication path by using the base station according to the checked results. However, Hong does not disclose or suggest in anyway the above-recited element of the new claim 40. Specifically, Applicant is unable to find any disclosure or suggestion by Hong for selectively performing a handoff to a selected base station based, at least in part, *on whether signals transmitted by a subscriber station are received by the selected base station with sufficient energy according to the reverse link power control commands received from the selected base station* (emphasis added). The mobile station as disclosed in Hong measures the pilot strength and the frame quality of the forward link of a base station and compares the measured pilot strength and the measured frame quality with threshold values to determine the handoff. There is no disclosure, suggestion, or motivation provided by Hong to use reverse link power control commands from the base station to determine whether the base station receives signals from the mobile station with sufficient energy in order to decide whether or not to perform handoff to the base station.

Because Hamabe and/or Hong, either alone or in combination, do not teach or suggest all the limitations of the new claim 40, Applicant respectfully submits that claim 40 is neither anticipated nor rendered obvious by Hamabe and/or Hong.

Since claims 41-48 depend from claim 40 and include additional limitations, claims 41-48 are also not anticipated or rendered obvious by Hamabe and/or Hong.

With respect to the new claims 49-7, Applicant respectfully submits that these claims are neither anticipated nor rendered obvious, for the reasons and explanations provided above with respect to claim 40.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant respectfully submits that all pending claims in the present application are in a condition for allowance, which is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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By: 
Thien T. Nguyen
Attorney for Applicants
Registration No. 43,835

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 651-6137
Facsimile: (858) 658-2502